



State Water Resources Control Board

Division of Drinking Water

April 22, 2015
System No.: 5400666

Mr. Robert Fortino, Chief Executive Officer
Del Oro Grandview Gardens District
Drawer 5172
Chico, CA 95927

RE: **Compliance Order No. 03-12-15R-004**
Violation of the Nitrate Maximum Contaminant Level

Dear Mr. Fortino:

Enclosed is a Compliance Order issued to the Del Oro Grandview Gardens District (Water System) public water system.

As directed in the enclosed Compliance Order, please provide recognition of receipt of this Compliance Order and the Water System's intent to comply with the Order to the Division of Drinking Water, Visalia District office by May 31, 2015.

The Water System will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specific enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

If you have any questions regarding this letter or the enclosed Compliance Order, please contact me at (559) 447-3300 or Cristina Knudsen at (559) 447-3317.

Sincerely,

Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

TAW/CK
Enclosures
cc: Tulare County Environmental Health Department

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2
3 CALIFORNIA
4 STATE WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER
6

7 TO: Del Oro Water Company
8 Grandview Gardens District Water System
9 ATTN: Mr. Robert Fortino, Chief Executive Officer
10 Drawer 5172
11 Chico, CA 95927

12 COMPLIANCE ORDER NO. 03-12-15R-004
13 FOR
14 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)
15 AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE
16 Dated April 22, 2015

17 The State Water Resources Control Board (hereinafter "Board"), acting by and
18 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
19 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order
20 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety
21 Code (hereinafter "CHSC") to Del Oro Grandview Gardens District for violation of
22 CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter
23 "CCR"), Section 64431.
24
25
26
27

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

| <i>Chemical</i> | <i>Maximum Contaminant Level, mg/L</i> |
|-------------------------------|--|
| Aluminum | 1. |
| Antimony | 0.006 |
| Nitrate | 0.010 |
| Asbestos | 7 MFL* |
| Barium | 1. |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.05 |
| Cyanide | 0.15 |
| Fluoride | 2.0 |
| Hexavalent chromium | 0.010 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as NO ₃) | 45. |
| Nitrate+Nitrite (sum as | 10. |
| Nitrite (as nitrogen) | 1. |
| Perchlorate | 0.006 |
| Selenium | 0.05 |
| Thallium | 0.002 |

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432 (hereinafter “Section 64432”) provides in relevant part:

Section 64432.1

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the Department of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

- 1 (B) Analyze the new sample; if the average of the two nitrate sample results
2 exceeds the MCL, report the result to the Department within 24 hours. If
3 the average does not exceed the MCL, inform the Department of the
4 results within seven days from the receipt of the original analysis.
5 (C) If a system is unable to resample within 24 hours, it shall notify the
6 consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1
7 and shall collect and analyze a confirmation sample within two weeks of
8 notification of the results of the first sample.
9 (2) For public water systems using groundwater, the repeat monitoring
10 frequency shall be quarterly for at least one year following any one sample
11 in which the concentration is greater than or equal to 50 percent of the MCL.
12 After four consecutive quarterly samples are less than the MCL, a system
13 may request that the Department reduce monitoring frequency to annual
14 sampling.

10 **STATEMENT OF FACTS**

11 The Del Oro Grandview Gardens District water system (hereinafter "Water System")
12 is a community water system located in Tulare County that supplies water for
13 domestic purposes to approximately 389 individuals through approximately 119
14 service connections. The Water System operates under Domestic Water Supply
15 Permit No. 03-12-12P-002, issued on January 5, 2012. The Water System is a
16 community public water system as defined in CHSC, section 116275.

17
18 The Water System utilizes one groundwater well as its source of domestic water;
19 Well No. 01. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary
20 drinking water standards and monitoring and reporting requirements for inorganic
21 constituents. All public water systems must comply with the maximum contaminant
22 level for nitrate of 45 mg/L, as established in Title 22 CCR Section 64431.

23
24 Samples collected from the Water System during December 2012 and January
25 2013, showed a nitrate concentration of 46.5 mg/L and 42.6 mg/L, respectively.
26 The Water System was required to increase the monitoring frequency from a
27

quarterly basis to a monthly basis at Well No. 01 beginning February 2013 due to the exceedance of the nitrate MCL in January, and in an effort to closely monitor the nitrate concentration fluctuation. The nitrate concentration at Well No. 01 exceeded more than half the MCL, and therefore the Del Oro Grandview Gardens District was required to continue monitoring on a monthly basis. Sample results from February 2014 to present are provided in Table 1:

Table 1: Well 01 Nitrate Monitoring Results

| Sample Date | Well 01 |
|--------------------|------------------|
| 02/04/2014 | 44.7mg/L |
| 02/19/2014 | 45.6 mg/L |
| 05/06/2014 | 43.4 mg/L |
| 06/03/2014 | 44.7 mg/L |
| 07/01/2014 | 43.2 mg/L |
| 08/05/2014 | 44.3 mg/L |
| 09/02/2014 | 44.7 mg/L |
| 10/08/2014 | 44.2 mg/L |
| 11/04/2014 | 44.2 mg/L |
| 12/02/2014 | 44.7 mg/L |
| 01/06/2015 | 49.2 mg/L |
| 02/17/2015 | 42.4 mg/L |
| 04/07/2015 | 48.6 mg/L |

The last sample collected on April 7, 2015 resulted in a nitrate concentration of 48.6 mg/L, which exceeded the nitrate MCL (45 mg/L). Public notification to the Division and consumers of a water system is required whenever a violation of the nitrate MCL occurs. The Division was notified by the Water System on April 14, 2015 of the violation in accordance with referenced Section 64432.1, and a Tier 1 Public Notice was hand delivered to consumers on April 15, 2015.

1 By regulation, quarterly public notification is required as long as the well is in use,
2 and is in violation for exceeding the nitrate MCL. The Water System must also
3 provide the Division with proof of public notification.
4

5 **DETERMINATIONS**

6 Based on the above Statement of Facts, the Division has determined that the Water
7 System has violated CHSC, Section 116555 and Section 64431 in that the water
8 produced by Well No. 01 exceeded the nitrate MCL as shown in Table 1.
9

10 **DIRECTIVES**

11 Water System is hereby directed to take the following actions:

- 12 1. On or before **April 30, 2018**, comply with Title 22, CCR, Section 64431 and
13 remain in compliance.
14
- 15 2. On or before **May 31, 2015**, submit a written response to the Division indicating
16 its agreement to comply with the directives of this Order and with the Corrective
17 Action Plan addressed herein.
18
- 19 3. Commencing on the date of service of this Order, provide quarterly public
20 notification in accordance with Attachment A, hereto, of Water System's failure
21 to meet the nitrate MCL during any calendar quarter that the sample results
22 exceeds the MCL.
23
- 24 4. Commencing on the date of service of this Order, submit proof of each public
25 notification conducted in compliance with Directive No. 3, herein above, within
26
27

1 10 days following each such notification, using the form provided as Attachment
2 B, hereto.
3

- 4
- 5 5. Commencing on the date of service of this Order collect quarterly samples for
6 nitrate from Well No. 01, and ensure that the analytical results are reported to
7 the Division electronically by the analyzing laboratory no later than the 10th day
8 following the month in which the analysis was completed.
9
- 10 6. Prepare for Division approval a Corrective Action Plan identifying improvements
11 to the water system designed to correct the water quality problem (violation of
12 the nitrate MCL) and ensure that the Water System delivers water to
13 consumers that meets primary drinking water standards. The plan shall include
14 a time schedule for completion of each of the phases of the project such as
15 design, construction, and startup, and a date as of which the Water System will
16 be in compliance with the nitrate MCL, which date shall be no later than April
17 30, 2018.
18
- 19 7. On or before July 1, 2015, present the Corrective Action Plan required under
20 Directive No. 6, above, to the Division in person at the Division's offices located
21 at 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704.
22
- 23 8. Timely perform the Division approved Corrective Action Plan and each and
24 every element of said plan according to the time schedule set forth therein.
25
- 26 9. On or before September 30, 2015, and every three months thereafter, submit a
27 report to the Division in the form provided as Attachment C, hereto, showing

1 actions taken during the previous calendar three months to comply with the
2 Corrective Action Plan.
3

4 10. Not later than ten (10) days following the date of compliance with the nitrate
5 MCL, demonstrate to the Division that the water delivered by Water System
6 complies with the nitrate MCL.
7

8 11. Notify the Division in writing no later than five (5) days prior to the deadline for
9 performance of any Directive set forth herein if Water System anticipates it will
10 not timely meet such performance deadline.
11

12 All submittals required by this Order shall be addressed to:
13

14 Tricia Wathen, P.E., Senior Sanitary Engineer
15 State Water Resources Control Board
16 Division of Drinking Water, Visalia District
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704
17

18 As used in this Order, the date of issuance shall be the date of this Order; and the
19 date of service shall be the date of service of this Order, personal or by certified
20 mail, on the Water System.
21

22 The Division reserves the right to make such modifications to this Order and/or to
23 issue such further order(s) as it may deem necessary to protect public health and
24 safety. Such modifications may be issued as amendments to this Order and shall be
25 deemed effective upon issuance.
26
27

1 Nothing in this Order relieves Water System of its obligation to meet the
2 requirements of the California SDWA, or any regulation, standard, permit or order
3 issued thereunder.
4

5 **PARTIES BOUND**

6 This Order shall apply to and be binding upon Water System, its owners,
7 shareholders, officers, directors, agents, employees, contractors, successors, and
8 assignees.
9

10 **SEVERABILITY**

11 The Directives of this Order are severable, and Water System shall comply with
12 each and every provision hereof, notwithstanding the effectiveness of any other
13 provision.
14

15 **FURTHER ENFORCEMENT ACTION**

16 The California SDWA authorizes the Board to: issue a citation with assessment of
17 administrative penalties to a public water system for violation or continued violation
18 of the requirements of the California SDWA or any regulation, permit, standard,
19 citation, or order issued or adopted thereunder including, but not limited to, failure to
20 correct a violation identified in a citation or compliance order. The California SDWA
21 also authorizes the Board to take action to suspend or revoke a permit that has been
22 issued to a public water system if the public water system has violated applicable
23 law or regulations or has failed to comply with an order of the Board; and to petition
24 the superior court to take various enforcement measures against a public water
25 system that has failed to comply with an order of the Board. The Board does not
26 waive any further enforcement action by issuance of this Order.
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Carl Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

4-22-2015
Date

Certified Mail No. 7010 3090 0002 0396 4383



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

Del Oro Grandview Gardens District water has high levels of nitrate

**DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD
OR PREGNANT WOMEN OR USE IT TO MAKE INFANT FORMULA**

Water sample results received _____[insert date] showed nitrate levels of _____[insert level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 45 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit. [Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.] _____

For more information, please contact _____[insert name of contact] at _____[insert phone number] or _____[insert mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Del Oro Grandview Gardens District

Date distributed:_____.

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Visalia District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Del Oro Grandview Gardens District

Public Water System No.: 5400666

Public notification for failure to comply with the Nitrate MCL was conducted on:

(Circle one): 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____ (date).

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____

Signature _____

Title _____

Date _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of notification to the public
Nitrate MCL Exceedance / Enforcement Action No.: 03-12-15R-004

Quarterly Progress Report

| | |
|---|----------------------------------|
| Water System: Del Oro Grandview Gardens District | Water System No.: 5400666 |
| Compliance Order No.: 03-12-15R-004 | Violation: Nitrate MCL |
| Calendar Quarter: | Date Prepared: |

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Tulare District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date